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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,710	11/28/2000	John Thomas Amend	47692-00003USPT	7699

7590

01/14/2003

Docket Clerk
P O Drawer 800889
Dallas, TX 75380

EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,710

Applicant(s)

AMEND ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-124 is/are pending in the application.
- 4a) Of the above claim(s) 120-124 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 11-5-02 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-107 and 114-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al in view of Keithley et al and further in view of Walker et al.

Good et al discloses a network (12) and real estate facilitator (13) connected to the network. The real estate facilitator is capable of communicating with the at least one prospective tenant and a plurality of landlords (col 4, lines 21-26, 36-41). The prospective tenant submits information specifying desired real estate (col 5, lines 63-67; col 6, lines 1-26). The facilitator includes a real estate database (col 4, lines 27-30). The facilitator allows at least one prospective tenant to select a piece of real estate in which the collection is formed responsive to the at least one desired characteristic of real estate. Good et al discloses virtual reality tours (col 3, lines 20-24) and actual visits to sites (col 3, line 37). The system and method to Good et al is real estate acquisition (finding a rental property) and outfitting (providing analysis), and the phases disclosed

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include: a real estate phase and an analysis phase. Good discloses a prospective tenant: reviewing a list of real estate, selecting real estate that meets at least one preliminary criterion.

With regards to a "paradigm" it is the examiner's position that such would have been obvious to one with ordinary skill in the art to include to Good et al such, since Good et al teaches that landlords must find new ways to attract renters (col 2, lines 35-39).

Regarding claims 26-29 there is presented device claims (storage medium) where there appears to be no further physical description recited. There is disclosed a storage medium.

Good et al does not disclose:

a real estate demand database;

a building database;

notifying an entity corresponding to a second phase of real estate outfitting of a change to information related to real estate, or over-lapping phases;

a real estate supply database; and,

second party comprises at least one of a designer, an architect or an engineer

Keithley et al discloses a real estate demand database (col 6, lines 43-49), a building database (col 6, lines 30-40), and notifying an entity corresponding to a second phase of real estate outfitting of a change to information related to real estate including over lapping phases (col 2, lines 10-23; col 6, lines 62-67)).

Keithley et al also discloses a second party comprises at least one of a designer, an architect or an engineer (col 6, lines 60-67).

It would have been obvious to one with ordinary skill in the art to include a building database and demand database to Good et al because Keithley et al teaches rental property information demand (col 1, lines 49-51).

It would have been obvious to one with ordinary skill in the art to include to Good et al notifying an entity corresponding to a second phase of real estate outfitting of a change to information related to real estate including over lapping phases because Keithley et al teaches other phases as an outgrowth of real estate demands (col 11, lines 47-66).

It would have been obvious to one with ordinary skill in the art to include transaction information and a second party to Shirley because Shirley et al teaches contract formation of different parties (col 2, lines 8-23).

Good et al and Keithley et al does not explicitly disclose:

proposal requests where the requests are sent to landlords, or proposals returned from landlords for further consideration by prospective tenants;
a real estate supply database;
changing and accessing the changed files by various parties; and,
RFIs where the requests are sent to landlords, or responses returned from landlords for further consideration by prospective tenants.

Walker et al discloses proposal requests (CPOs) that are returned for further consideration which are in a real estate supply database (500). Walker et al also discloses changing files and accessing the changed files by various parties.

It would have been obvious to one with ordinary skill in the art to discloses changing files and accessing the changed files by various parties (as claimed in claim 97) to Good et al because Walker teaches that offers may be modified over time which when viewd by all parties may result in acceptable conditions of a sale (col 2, lines 33-37).

It would have been obvious to one with ordinary skill in the art to include to Good et al proposal requests where the requests are sent to landlords and proposals returned from landlords for further consideration by prospective tenants because of what is taught by Walker et al. Walker et al teaches a buyer-driven system where the buyer

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dictates the terms of the offer (col 1, lines 23-34) and Good et al teaches a buyer driven rental market (col 2, lines 40-55).

It would have been obvious to one with ordinary skill in the art to include to Good et al an ad hoc real estate supply database because Walker teaches buyer driven paradigms where the buyer has expressed an interest (col 1, lines 26-34).

It would have been obvious to one with ordinary skill in the art to include to Good et al RFIs where the requests are sent to landlords and responses returned from landlords for further consideration by prospective tenants because of what is taught by Walker et al. Walker et al teaches a buyer-driven system where the buyer dictates the terms of the offer (col 1, lines 23-34) and Good et al teaches a buyer driven rental market (col 2, lines 40-55).

Regarding claims 58-61 there is presented device claims (storage medium) where there appears to be no further physical description recited. There is disclosed a storage medium.

4. Claims 108-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Good et al in view of Keithley et al and further in view of Walker et al as applied to claims 1-107 and 114-119 above, and further in view of Weatherly et al.

Good et al in view of Keithley et al and further in view of Walker et al does not disclose monitoring a lease to detect an upcoming expiration, and triggering a lease handling routine if an upcoming expiration is detected.

Weatherly et al discloses monitoring a lease to detect an upcoming expiration, and triggering a lease handling routine if an upcoming expiration is detected (col 3, lines 3-65).

It would have been obvious to one with ordinary skill in the art to include monitoring a lease to detect an upcoming expiration, and triggering a lease handling routine if an upcoming expiration is detected because of what is taught by Weatherly et al. Weatherly et al teaches variables in a property lease need to be monitored to determine financial status (col 1, lines 12-40) and Walker et al teaches that buyers and sellers should know variables in offers made (col 3, lines 22-48).

Response to Arguments

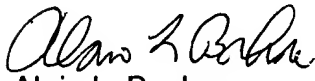
5. Applicant's arguments with respect to claim of record have been considered but are moot in view of the new ground(s) of rejection.

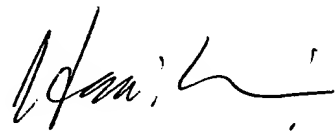
Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:30 am to 5:00 pm (Alternate Fridays Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.


Alain L. Bashore
January 12, 2003


HANI M. KAZIMI
PRIMARY EXAMINER